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**FACSIMILE****TO:**

Ms. Sonya Williams

U.S. Patent and  
Trademark Office

703 305 3014 or 703 308 4242

NAME

COMPANY/FIRM

FAX NUMBER

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703 305 2272

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(TELEPHONE NUMBER)

**FROM:**

Patrea L. Pabst

404 817-8473

Todd S. Hofmeister

404 817-8528

3

NAME

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TOTAL PAGES (Including Cover Sheet)

**FOR THE RECORD:**

DATE: September 18, 2002

URGENCY: ☐ SUPER RUSH☐ RUSH☐ REGULAR

FAXED BY:

FILE #: MBX 020

CLIENT NAME: 077832/00077

CONFIRMED: ☐ YES ☐ NO

NAME:

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**MESSAGE:**

Per applicant's telephone conversation with Ms. Williams (patent analyst - 1638) on  
September 18, 2002, the attached Notice of Non-Compliance was in error (mailed on August  
28, 2002) and will be withdrawn.

If this statement does not accurately reflect the conversation, please notify the  
above-identified sender as soon as possible.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lara Madison, Gjalb W. Huisman, and Oliver P. Peoples

Serial No.: 09/235,875

Group Art Unit: 1638

Filed: January 22, 1999

Examiner: A. Nelson

For: **TRANSGENIC SYSTEMS FOR THE MANUFACTURE OF  
POLY(3-HYDROXYBUTYATE-CO-3-HYDROXYHEXANOATE)**



## UNITED STATES PATENT AND TRADEMARK OFFICE

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*Entered in Error*  
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*was deleted in the system*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,875	01/22/1999	LARA MADISON	MBX020	2296

7590

08/28/2002

Patrea L. Pabst  
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EXAMINER

KALLIS, RUSSELL

ART UNIT

PAPER NUMBER

1638

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed for: ① 9-28-02 Rsp w/0 eot  
By: ② 10-28-02 Rsp w/1 eot  
Date: ③ 11-28-02 Rsp w/2 eot  
④ 12-28-02 Rsp w/3 eot  
⑤ 1-28-03 Rsp w/4 eot  
⑥ 2-28-03 Rsp w/5 eot  
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Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 8-12-02 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☒ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☐ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☐ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: Please re-submit a complete amendment for entry. Amendments are not entered in part.

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☐ **PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

[Signature]